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06-23-06

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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Express Mail No.:EV697644824US	Attorney Docket No.	42435-006	First Inventor: Dustin Smith
<u>AMENDMENT TRANSMITTAL LETTER</u> Title: <u>Block Attacher Apparatus and Method</u>		Serial No.	10/817,188
		Filing Date	04/02/2004
		Examiner	Koehler, Christopher M.
		Group Art Unit	3726



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

☒ Large Entity Status

☐ Small Entity status of this application has been established under 37 CFR 1.27

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED - PART II						SMALL ENTITY		OTHER THAN SMALL ENTITY	
AMENDMENT	(Column 1)		(Column 2)	(Column 3)		RATE	ADDI-TIONAL FEE	RATE	ADDI-TIONAL FEE
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA					
	Total (37 CFR 1.16(c))	40*	Minus	**40	=0	x \$25.00=	\$ 0.00	x \$50.00=	\$ 0.00
	Independent (37 CFR 1.16(b))	4*	Minus	**4*	=0	x \$100.00=	\$ 0.00	x \$200.00=	\$ 0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))						x \$180.00=		x \$360.00=	
						TOTAL ADDIT. FEE	\$ 0.00	TOTAL ADDIT. FEE	\$ 0.00

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- ☒ Terminal Disclaimer Fee.
- ☐ No additional fee is required for amendment.
- ☒ A check in the amount of \$130.00 is enclosed.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account. 08-3460.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 08-3460.
I have enclosed a duplicate copy of this sheet.
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.

H. Frederick Rusche
Signature

Date: June 22, 2006

H. Frederick Rusche, 45,061
Husch & Eppenberger, LLC
190 Carondelet Plaza
St. Louis, MO, 63105
314-480-1500
314-480-1505 FAX

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
42435-006

In re Application of: Dustin Smith et al.
Application No.: 10/817,188
Filed: 04/02/2004
For: Improved Block Attacher Apparatus and Method

The owner*, L&P Property Management Company, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,763,567. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, if found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record.

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H. Frederick Rusch, 45,061
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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